

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



Excerpt from [Nebraska State Statutes](#)

Section 28-326

28-326

Terms, defined.

For purposes of sections 28-325 to 28-345, unless the context otherwise requires:

- (1) Abortion means the use or prescription of any instrument, medicine, drug, or other substance or device intentionally to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child, and which causes the premature termination of the pregnancy;
- (2) Hospital means those institutions licensed by the Department of Health and Human Services Regulation and Licensure pursuant to the Health Care Facility Licensure Act;
- (3) Physician means any person licensed to practice medicine in this state as provided in sections 71-102 to 71-110;
- (4) Pregnant means that condition of a woman who has unborn human life within her as the result of conception;
- (5) Conception means the fecundation of the ovum by the spermatozoa;
- (6) Viability means that stage of human development when the unborn child is potentially able to live more than merely momentarily outside the womb of the mother by natural or artificial means;
- (7) Emergency situation means that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial impairment of a major bodily function;
- (8) Probable gestational age of the unborn child means what will with reasonable probability, in the judgment of the physician, be the gestational age of the unborn child at the time the abortion is planned to be performed; and
- (9) Partial-birth abortion means an abortion procedure in which the person performing the abortion partially delivers vaginally a living unborn child before killing the unborn child and completing the delivery. For purposes of this subdivision, the term partially delivers vaginally a living unborn child before killing the unborn child means deliberately and intentionally delivering into the vagina a living unborn child, or a substantial portion thereof, for the purpose of performing a procedure that the person performing such procedure knows will kill the unborn child and does kill the unborn child.

Source:

Laws 1977, LB 38, § 41; Laws 1979, LB 316, § 1; Laws 1984, LB 695, § 1; Laws 1986, LB 663, § 1; Laws 1993, LB 110, § 1; Laws 1996, LB 1044, § 59; Laws 1997, LB 23, § 2; Laws 2000, LB 819, § 64.